



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,771	11/02/2001	Toshio Ueno	01707/LH	4314

1933 7590 06/23/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
767 THIRD AVENUE  
25TH FLOOR  
NEW YORK, NY 10017-2023

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/002,771

Applicant(s)

UENO, TOSHIO

Examiner

Thuy Pardo

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2001 and 15 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-18,20-24,26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-18 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 20, 21, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6, 8, 9, 10.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's Application filed on November 02, 2001 and Preliminary Amendment filed on March 15, 2002 have been reviewed. Claims 5, 19, and 25 have been canceled and claims 7, 21, 24, and 27 have been amended.
2. Claims 1-4, 6-18, 20-24, 26, and 27 are presented for examination.

### ***Drawings***

Fig. 1 and Fig. 2 are objected to because there are no labels in boxes of the drawings.

The fig. 1 and fig. 2 are also objected to as failing to comply with 37 CFR 1.84(p)(4) because different element numbers have been used to designate to the same drawing elements. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-18, 22-24 are rejected under 35 U.S.C. 102(e) as being as being anticipated by Nakazato US Patent Application No. US 2001/0051952.

As to claim 1, Nakazato teaches the invention substantially as claimed, comprising:

acquiring claim information [fig. 8; 0087-0088 of pages 5-6];

generating a necessary backup data item from the claim information [0092-0095 of page 6]; and

accessing a product of a user through a network and acquiring information corresponding to the backup data item from the product of the user [read and writing data and each data item is provided with data item identifying header to the data, 0091-0099 of page 6].

As to claim 2, Nakazato teaches the invention substantially as claimed. Nakazato further teaches notifying the information acquired from the product of the user to an equipment owned by a person in charge of measures against claims [inherent in the system].

As to claim 3, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the product of the user is a product which is an object of claim [ab].

As to claim 4, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the product of the user is a product of another user of a same model as that of a product which is an object of claim [the reagent ID is added at a predetermined position of the analysis related information database, 0089 of page 6].

As to claim 8, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes a number of copies [0033 of page 2].

As to claim 9, Nakazato teaches the invention substantially as claimed. Nakazato further teaches the backup data item includes a number of copies in each paper feed stage [0033 of page 2].

As to claim 10, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes an image concentration measurement value.

As to claim 11, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes an exposure set value [0099-0100 of page 6].

As to claim 12, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes art automatic concentration adjustment set value [0073 of page 5].

As to claim 13, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes a drum charge adjustment set value [0073-0077 of page 5].

As to claim 14, Nakazato teaches the invention substantially as claimed. Nakazato further teaches that the backup data item includes a network environment [ab; 0051 of page 3].

As to claims 15-18, 22-24, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

***Allowable Subject Matter***

Claims 6, 7, 20, 21, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 6, 20, and 26, the feature of analyzing the information acquired from the product of the user and generating an average value of each backup data item, taken together with other limitations of claims 1 and 4, 15 and 18, or 22 and 24 was not disclosed by the prior art of record.

As to claims 7, 21, and 27, the feature of analyzing the information acquired from the product of another user of the same model as that of the product which is an object of claim and generating an average value of each backup data item, taken together with other limitations of claims 1 and 4, 15 and 18, or 22 and 24 was not disclosed by the prior art of record.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows: (703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 10/002,771  
Art Unit: 2175

Page 7

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington. VA., Sixth Floor (Receptionist).

June 21, 2004

A handwritten signature in black ink, appearing to be 'THUY N. PARDO', with a long horizontal stroke extending to the right.

**THUY N. PARDO**  
**PRIMARY EXAMINER**